

**Texas Department of Insurance  
Exempt Filing Notification under Texas Insurance Code  
Chapter 5, Article 5.96**

**Notice of Petition by Texas Mutual Insurance Company  
to Rescind, in Part, Commissioner's Order No. 2016-4795  
Regarding Classification Code 0923**

**Description:**

Texas Mutual Insurance Company (TMIC) filed Petition No. W-0119-01 (ECase 18238), asking that TDI rescind, in part, Commissioner's Order No. 2016-4795 to permit the continued use of A-rated Classification Code 0923—Domestic Workers—Residences—Payroll Basis.

Previous Commissioner's Orders reclassified domestic workers from a payroll basis to a per capita basis. Based on petitions from the National Council on Compensation Insurance (NCCI), Commissioner's Order No. 2016-4795 and Commissioner's Order No. 2017-5055 eliminated Code 0923 (payroll basis), effective July 1, 2019, and reclassified domestic workers to Code 0913 (per capita basis). Commissioner's Order No. 2018-5569 later established Code 0908 for part-time domestic workers on a per capita basis, and revised Code 0913 to include only full-time domestic workers on a per capita basis.

TMIC requests that TDI continue to permit workers' compensation carriers to use either Code 0923 (payroll basis), or Codes 0913 and 0908 (per capita basis) for residential domestic employees. TMIC asserts that retaining this flexibility will allow carriers and their policyholders to continue to benefit from the availability of both payroll and per capita rate bases.

This is a filing under Insurance Code Article 5.96.

**Affected NCCI Manual Rules:**

*Basic Manual for Workers Compensation and Employers Liability Insurance*

**Review and Comment:**

TDI prepared this notice in response to Texas Mutual's petition. You may review a copy of the petition and the associated orders and filings referenced above in the Office of the Chief Clerk of the Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78701; or at [www.tdi.texas.gov/rules/2019/nccimanual.html](http://www.tdi.texas.gov/rules/2019/nccimanual.html) during the comment period.

To comment on the petition, submit your comments to [ChiefClerk@tdi.texas.gov](mailto:ChiefClerk@tdi.texas.gov) or to the Office of the Chief Clerk, MC 113-2A, Texas Department of Insurance, P.O. Box 149104, Austin, TX 78714-9104 by 5:00 p.m., Central time, on March 27, 2019. Refer to TDI ECase No. 18238.

**Notice of Public Hearing:**

The Commissioner will also consider written and oral comments on the petition in a public hearing under Docket No. 2811 at 2:00 p.m., Central time, March 27, 2019, in Room 100 of the William P. Hobby Jr. State Office Building, 333 Guadalupe Street, Austin, Texas. The legal authority for this hearing is Texas Insurance Code Article 5.96.

Issued in Austin, Texas, on February 13, 2019.

*/s/ Norma Garcia* \_\_\_\_\_

Norma Garcia, General Counsel  
Texas Department of Insurance